

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

In re Application of:

Application No. 09/767,610  
Filed: January 22, 2001  
For: BEA Systems, Inc.

The owner, BEA Systems, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,158,010. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.

  
\_\_\_\_\_  
Signature

Robert F. Donohue, Esq.  
\_\_\_\_\_  
Type or printed name

Sept 21, 2004  
\_\_\_\_\_  
Date

Senior VP, General Counsel  
\_\_\_\_\_  
Title

☒ PTO suggested wording above was ☒ unchanged ☐ changed (if changed, an explanation should be supplied).

12/02/2004 SZENDIE1 00000034 061325 09767610

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: Mark Moriconi

Appln. No.: 09/767,610

Confirm. No.: 2724

Filed: January 22, 2001

Title: SYSTEM AND METHOD FOR  
MAINTAINING SECURITY IN A  
DISTRIBUTED COMPUTER  
NETWORK

PATENT APPLICATION

Art Unit: 2136

Examiner: Hoffman, Brandon S

Customer No. 23910

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313**, on November 29, 2004.

(Attorney Signature)

Karl Kenna, Reg. No. 45,445

Signature Date: November 29, 2004

**TERMINAL DISCLAIMER TRANSMITTAL LETTER**

Mail Stop Amendment  
Commissioner for Patents  
Alexandria, VA 22313

Sir:

Transmitted with this communication in connection with the above-identified application are the following:

- ☒ TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT
- ☐ TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION
- ☒ CERTIFICATE OF OWNERSHIP UNDER 37 C.F.R. §3.73(b)
- ☐ A PETITION FOR AN EXTENSION OF TIME UNDER 37 C.F.R. §1.136.

The fee associated with this communication pursuant to 37 C.F.R. §1.20(d) has been calculated as shown below:

☒ A fee of ☒ \$110.00 (large entity) ☐ \$55.00 (small entity) is due.

☒ A fee for extension of time for response under 37 C.F.R. §1.136 filed within one month(s) after the original time for response of October 27, 2004. \$110.00 is due.

☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established.

The total fee required with this communication is \$110.00 and is to be paid as follows:

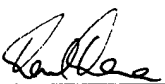
☒ Please charge Deposit Account No. 06-1325 in the amount of \$110.00. A duplicate copy of this authorization is enclosed.

☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

☒ The Commissioner is hereby authorized to charge any deficiencies or credit overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: November 29, 2004

By:   
Karl Kenna  
Reg. No. 45,445

FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: Mark Mariconi

Appln. No.: 09/767,610

Filing Date: January 22, 2001

Confirm. No.: 2724

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SECURITY IN A DISTRIBUTED COMPUTER  
NETWORK

PATENT APPLICATION

Art Unit: 2136

Examiner: Hoffman, Brandon S.

Customer No. 23910

**CERTIFICATE OF OWNERSHIP UNDER 37 C.F.R. §3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

BEA Systems, Inc., a ☒ corporation \_\_\_\_\_ partnership \_\_\_\_ other (specify), makes this statement to establish ownership of the patent application identified above pursuant to 37 C.F.R. §3.73(b).

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

\_\_\_\_\_ a copy of an Assignment attached hereto, the original of which has been (or is herewith) forwarded to the Patent and Trademark Office for recording; **or**

☒ the Assignment recorded on July 21, 2003 at reel 014277, frames 0844-0847.

The evidentiary documents have been reviewed and Assignee hereby certifies that, to the best of Assignee's knowledge and belief, title to the above-identified patent application is in the Assignee.

If the assignee is owner of less than the entire right title and interest, the ownership interest of the Assignee is identified pursuant to 37 C.F.R. §3.73(c)(2) as follows: \_\_\_\_\_.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the Assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

BEA Systems, Inc.

Date: Sept 21, 2004

By:



Print Name: Robert F. Donohue, Esq.

Title: Senior VP, General Counsel



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: Mark Moriconi

Appln. No.: 09/767,610

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Karl Kenna, Reg. No. 45,445

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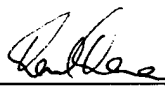
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